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T-322 P.03/08 F-467

PATENT

A-70829/ENB/VEJ

DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD FOR TREATING TISSUE IN ARTHROSCOPIC ENVIRONMENT**, the specification of which

is attached hereto.

was filed on _____ as Application No _____ (Attorney Docket No. A-70829/ENB/VEJ).

and as the application was amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefit under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number) _____ (Country) _____ (Day/Month/Year Filed) _____

Yes No

(Number) _____ (Country) _____ (Day/Month/Year Filed) _____

Yes No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)

(Application Serial No.)

(Filing Date)

(Status)

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T-322 P 04/08 F-457

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San Francisco, California 94111-4187

File No. A-70829/ENB/VEJ

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of
first inventor:

Mark D. Markel

Signature:

MDM

Date:

10/31/81

Residence:

Madison, WI

Citizenship:

UNITED STATES

Post Office Address:

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3700 Haven Court
Menlo Park, CA 94025

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POWER OF ATTORNEY BY ASSIGNEE

The undersigned assignee of the entire interest in application for letters patent entitled METHOD FOR TREATING TISSUE IN ARTHROSCOPIC ENVIRONMENT and having the named inventor Mark D. Markel hereby appoints the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith; said appointment to be to the exclusion of the inventor and his attorney(s) in accordance with the provisions of 37 C.F.R. 3.71: Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Michael A. Kaufman, Reg. No. 32,988; Edward N. Bachand, Reg. No. 37,085; R. Michael Ananian, Reg. No. 35,050; Robin M. Silva, Reg. No. 38,304; Maria S. Swiatek, Reg. No. 37,244; Todd A. Lorenz, Reg. No. 39,754; and Victor E. Johnson, Reg. No. 41,546; provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Flehr Hohbach Test Albritton & Herbert LLP as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

In accordance with 37 CFR 3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

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Assignee: ORATEC Interventions, Inc.

By:

HUGH R. SHARKEY

(typed or printed name)

Signature: Hugh Sharkey

Title:

EXECUTIVE VICE-PRESIDENT + CTO

Address: 3700 Haven Court
Menlo Park, CA 94025

Date: 10/31/01

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